



Public Law 91-231
91st Congress, S. 3690
April 15, 1970

An Act

To increase the pay of Federal employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332(a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed in (1) the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

SEC. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under section 2 of this Act for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16;

(2) the President pro tempore of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

Federal Employees Salary Act of 1970.

34 F.R. 9605.
5 USC 5332 note.
84 STAT. 195
84 STAT. 196

22 USC 867, 870.
Pay increases by conversion.

Publication in Statutes at Large, Federal Register, Code of Federal Regulations.
ASCS county committee employees.
Legislative branch employees.
16 USC 590h note.
2 USC 60e-14 and note.

52 Stat. 31;
81 Stat. 633.

Exceptions.

Judicial
branch em-
ployees.

Secretaries
and law
clerks.

84 STAT. 196
84 STAT. 197

U.S. attor-
neys and as-
sistant U.S.
attorneys.
80 Stat. 618;
81 Stat. 633.

Salaries
fixed by ad-
ministrative
action.
Federal and
D.C. govern-
ment employ-
ees.

80 Stat. 469.
76 Stat. 854.

31 F.R. 2242.

Retroactive
Pay.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any provisions other than section 6 of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

SEC. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

April 15, 1970

- 3 -

Pub. Law 91-231

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

80 Stat. 495.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

80 Stat. 564;
83 Stat. 136.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

84 STAT. 197
84 STAT. 198

SEC. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$36,500" and "\$36,000", respectively.

D.C. judges.
82 Stat. 1119.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500" and inserting in lieu thereof "\$34,500" and "\$34,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$34,000".

D.C. Board of
Tax Appeals.

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000".

Former U.S.
Presidents'
staffs.
81 Stat. 642.
Premium pay.
80 Stat. 487;
81 Stat. 200,
638.

SEC. 8. Section 5545(c) (2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position."

Percentage
rate.

SEC. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

Effective
dates.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

Life insur-
ances.
80 Stat. 592.

Retirement
deductions and
contributions.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

Approved April 15, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-992 accompanying H.R. 16844 (Comm. on Post Office & Civil Service).

SENATE REPORT No. 91-763 (Comm. on Post Office & Civil Service).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Apr. 8, considered and passed Senate.

Apr. 9, considered and passed House, amended, in lieu of H.R. 16844.

Apr. 9, Senate concurred in House amendment with amendments.

Apr. 13, considered in House.

Apr. 14, House concurred in Senate amendments.